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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/942,620	08/31/2001	Katsutoshi Nakamura	213546US2	8765

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EXAMINER

SHINGLES, KRISTIE D

ART UNIT PAPER NUMBER

2141

DATE MAILED: 06/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/942,620

Applicant(s)

NAKAMURA ET AL.

Examiner

Kristie Shingles

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 01 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-14 is/are pending in the application.
- 4a) Of the above claim(s) 2 and 15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 1/26/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

*Applicant has amended claims 1, 10, 11, 12 and 14.*

*Claims 2 and 15 have been cancelled.*

*Claims 1 and 3-14 are pending.*

### ***Drawings***

1. The proposed drawing corrections filed 4/1/2005 have been accepted by the Examiner. The corrections to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 101 Utility***

2. Per claim **14**, the proposed statutory subject matter correction filed 4/1/2005 has been accepted by the Examiner. Therefore, the rejection has been withdrawn.

### ***Response to Arguments***

3. Applicant's arguments, see Remarks filed on 4/1/2005, with respect to the rejection of claim 1 under 35 U.S.C. 102(e) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground of rejection is made in view of *Walker et al* (USPN 6,041,308).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims **1 and 3-14**, are rejected under 35 U.S.C. 103(a) as being unpatentable over *Athavale et al* (USPN 6,539,386) in view of *Walker et al* (USPN 6,041,308).

a. **Per claim 1**, *Athavale et al* teach the a method executed in an apparatus to which at least one terminal is capable of accessing via a network, comprising the steps of:

- forming an electronic bulletin board for disclosing product information relevant to a product to be readable via said network from a terminal that is operated by a salesperson who sells said product (Abstract, Figures 3 and 5, col.3 lines 8-24, col.3 line 55-col.4 line 21 and col.8 line 56-col.9 line 15; customer's order entry application and feedback object achieve functionality of bulletin board, where product information from the provider is displayed to the customer for review);
- receiving a request to register or change said product information, which is sent from a terminal that is operated by a person who wishes to disclose information on said electronic bulletin board via said network (Abstract, Figure 4, col.3 lines 25-54, col.4 lines 29-63, col.5 line 19-col.6 line 20, col.8 line 56-col.9 line 15, col.13 lines 7-17 and col.15 lines 16-32; the change order engine of the network commerce server receives the change order request from the customer via the network);

Yet *Athavale et al* fail to explicitly teach limiting the disclosing of product information, which is pursuant to the request, until approval of the received request is obtained from an information manager, wherein said limiting includes, replacing an entirety or a part of said requested product information with other information to be disclosed on said electronic

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bulletin board until approval of the received request is obtained from the information manager. However, *Walker et al* teach maintaining the product's seller anonymity until the condition purchase offer has been accepted by the CPO management system and utilization of the CPO management system with an electronic bulletin board (col.5 lines 44-61 and col.6 lines 16-51).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *Athavale et al* and *Walker et al* for the purpose of enabling the sellers to advertise discounted products to reach more customers, without undercutting their published products' prices; because it would allow for the anonymity of certain product information, such as the name of the seller, without compromising or undercutting the integrity of the seller's published price structure and policies in order to reach other buyers.

b. **Claims 10, 11, 12 and 14** contain limitations that are substantially equivalent to claim 1 and are therefore rejected under the same basis.

c. **Per claim 3**, *Athavale et al* teach the method according to claim 1, further comprising the step of preregistering introduction information for introducing said person who wishes to disclose information in a preset recording area, and disclosing said introduction information on said electronic bulletin board with product information, which is pursuant to the request, on the precondition that approval is obtained from said information manager (col.8 lines 23-56, col.10 lines 33-41 and col.11 line 49-col.12 line 32).

d. **Claim 4** is substantially similar to claim 3 and is therefore rejected under the same basis.

e. **Per claim 5**, *Athavale et al* teach the method according to claim 1, wherein said request receiving step comprises a substep of informing said person who wishes to disclose information of identifying information for identifying said person, and receiving only the request with said identifying information (col.7 lines 1-14 and col.11 lines 21-62).

f. **Per claim 6**, *Athavale et al* teach the method according to claim 1, further comprising the step of presenting an input screen page for urging registration or change product information to the terminal that is operated by the person who requests the disclosing of information on said electronic bulletin board, whereby constructing an environment in which said person who wishes to disclose information is capable of making said request through said input screen page (Abstract, Figures 2, 4 and 5, col.2 lines 57-67 and col.9 lines 32-65).

g. **Per claim 7**, *Athavale et al* teach the method according to claim 6, wherein said product information is classified into a plurality of groups, and said presenting step comprises a substep of presenting classification items for specifying the information groups on said input screen page, whereby making it possible for said person who wishes to disclose information to select a desired information group through the classification items on the input screen page and to make said request (col.12 lines 54-62 and col.15 line 2-col.16 line 20).

h. **Per claim 8**, *Athavale et al* teach the method according to claim 7, wherein said information manager is fixed for each classification item, said request receiving step comprises a substep of, when said request of an arbitrary classification item is made, recognizing the request by the information manager corresponding to the classification item, and said limiting step comprises a substep of receiving approval or disapproval that said corresponding information

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manager issues after checking said request (Figure 5, col.11 lines 49-65 and col.12 line 44-col.13 line 17).

i. **Per claim 9**, *Walker et al* teach the method according to claim 1, said limiting step comprises a substep of receiving approval or disapproval that said corresponding information manager issues after checking said request, and sending the received approval or disapproval via said network to said terminal that is operated by a person who wishes to disclose information on said electronic bulletin board (col.5 line 56-col.6 line 51 and col.9 lines 53-67).

j. **Per claim 13**, *Athavale et al* teach the system according to claim 12, wherein said electronic bulletin board includes an area for providing product information relevant to a product to a salesperson who wishes to sell said product, and said receiving means receives said request to register or change object information relevant to said product (col.8 line 61-col.9 line 15, col.11 lines 22-47 and col.12 lines 4-13).

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: *Peckover et al* (USPN 6,119,101), *Bremers* (USPN 6,901,380), *Aggarwal et al* (USPN 6,873,977), *Case et al* (USPN 6,510,418), *Fraser* (USPN 5,664,115) and *Klingman* (USPN 5,729,594).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristie Shingles whose telephone number is 571-272-3888. The examiner can normally be reached on Monday-Friday 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Kristie Shingles*  
*Examiner*  
*Art Unit 2141*

*kds*

  
RUPAL DHARIA  
SUPERVISORY PATENT EXAMINER